



01-03-03

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PTO/SB/64 (10-01)
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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
06087.0000

First named inventor: Breda

Application No.: 09/238,950

Group Art Unit: 3632

Filed: January 27, 1999

Examiner: K. Wood

Title: Intravenous Equipment Hangers

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC

Washington, D.C. 20231

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OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (703)305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity - fee \$640.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☐ Other than small entity - fee \$_____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of Response to Office Action Mailed October 27, 2000 (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee of \$ _____

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

01/06/2003 CV0111 00000003 190733 09238950

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3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1-2-03

Date

Charles W. Shifley

Signature

Telephone

Number: (312) 715-1000

Charles W. Shifley

Typed or printed name

Banner & Witcoff, Ltd.

Address

10 South Wacker Drive, Suite 3000

Chicago, IL 60606

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other : _____

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CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)]

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

☐ transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.

Date

Signature

Typed or printed name of person signing certificate



Additional Sheet 1 of 1

1. The abandonment and delay in filing this petition were unintentional. In and about December, 2000, a fee dispute arose between the applicants and the attorney they employed at the time. At about the same time, the applicants were considering how to respond to an Office Action, one that included an indication that a claim was allowable.
2. The applicants made payments on their account with their attorney, and expected their attorney to proceed on their behalf, at least as to the allowable claim. Their attorney did not proceed, however, with their application.
3. The applicants received notice of abandonment of the application from their attorney by letter dated June 11, 2001. Their attorney did not explain their rights to revive the application, and the applicants did not know their application could be revived.
4. The applicants then sought out a new lawyer for new inventions. On conferring with the new attorney, the applicants learned their application could be revived. This petition to revive followed.